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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/751,189

12/29/2000

Daniel B. Stewart

120-309

8529

34845 7590 10/03/2007
McGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON, MA 01720

EXAMINER

JACOBS, LASHONDA T

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

10/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/751,189

Applicant(s)

STEWART ET AL.

Examiner

LaShonda T. Jacobs

Art. Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 19-22, 36 and 45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 19-22, 36 and 45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This Office Action in response to Applicants' RCE Amendment filed on July 19, 2007. Claims 1-4, 19-22, 36 and 45 are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-4, 19-22, 36 and 45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Skene et al (hereinafter, "Skene", U.S. Pub. 2001/0049741) in view of Yoshida et al (hereinafter, "Yoshida", U.S. Pub. No. 2003/0135613).

As per claims **1, 19, 36, and 45**, Skene discloses a method, apparatus and readable medium, associated with a domain name system server, of controlling the transfer of information via a network, said method, apparatus and readable medium, comprising:

- receiving, from a client device, a request for a network address that is associated with a service (paragraph 0046); and
- transmitting, to said client device, said respective network address so that said client device may transmit at least one service request associated with said service to the respective server associated with the respective network address (paragraphs 0047-0048 and 0050).

However, Skene does not explicitly disclose:

- the request including a client identifier and a service authorization handle comprising authorization information for indicating that the client is authorized for a level of service for handling of the request; and
- selecting, in response the service authorization handle, a respective network address from plurality of network addresses each of which corresponds to a corresponding of a plurality of servers that are available to provide said service.

Yoshida discloses an information management method for reducing the load on a management server in a load distributed system comprising:

- the request including a client identifier and a service authorization handle comprising authorization information for indicating that the client is authorized for a level of service for handling of the request (paragraphs 0061, 0064 and 0071); and
- selecting, in response the service authorization handle, a respective network address from plurality of network addresses each of which corresponds to a corresponding of a plurality of servers that are available to provide said service (paragraphs 0061, 0064 and 0071).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by generating a list of servers to the client according to the information received from the client inquiry for the purpose of managing information and providing information to the client in order to reduce the load on a management server.

As per claims 2 and 20, Skene further discloses:

Art Unit: 2157

- receiving, from at least one further server, an indication that said further server is available to receive requests associated with said service (paragraph 0053); and
- incorporating said network address of said further server into said plurality of network addresses (paragraph 0053).

However, Skene does not explicitly disclose:

- an authorized level of service.

Yoshida discloses an information management method for reducing the load on a management server in a load distributed system comprising:

- an authorized level of service (paragraphs 0061, 0064 and 0071).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by generating a list of servers to the client according to the information received from the client inquiry for the purpose of managing information and providing information to the client in order to reduce the load on a management server.

As per claims **3** and **21**, Skene discloses wherein said indication includes at least one of:

- a network address of said further server, said service and authentication and non-repudiation information (paragraph 0053).

As per claims **4** and **22**, Skene further discloses:

- transmitting, to a database, a request to determine whether said client device is associated with at least one quality of service level (paragraph 0097);
- receiving, from said database, a response to said request (paragraph 0093); and
- selecting said respective one said plurality of network addresses based on said response (paragraph 0093).

Art Unit: 2157

However, Skene does not explicitly disclose:

- service authorization handle.

Yoshida discloses an information management method for reducing the load on a management server in a load distributed system comprising:

- service authorization handle (paragraphs 0061, 0064 and 0071).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Skene by generating a list of servers to the client according to the information received from the client inquiry for the purpose of managing information and providing information to the client in order to reduce the load on a management server.

Response to Arguments

3. Applicant's arguments filed July 19, 2007 have been fully considered but they are not persuasive.

The Office notes the following arguments:

- a. Skeene fails to describe a system such as claim, which performs load balancing based on quality of service of a client requesting a web page and the ability of alternate server to service the web page at the contracted quality of service.
- b. Skeene neither describes nor suggests making the determination for load balancing based upon the quality of service of the client requesting access to a service and the ability of servers to provide the quality of service.

Art Unit: 2157

c. The combination of Skeene and Hejza fail to describe or suggest the claimed limitations of “..receiving, from a client device, a request for a network address that is associated with a service, the request including a service authorization handle for indicating that the client is authorized for a level of service fro the handling of the request ... selecting, responsive to the service authorization handle, a respective network address from a plurality of network addresses corresponding to a plurality of servers that are available to provide said service..”

In response to:

(a)-(b), Applicants are arguing language that are not in the claims. However, the Applicants may amend the claims to include such language.

(c) Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

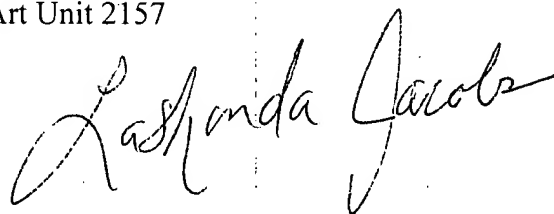
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 2157

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

A handwritten signature in black ink, reading "LaShonda Jacobs", written in a cursive style.

ltj
September 28, 2007